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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/649,509	08/25/2003	David H. Hanes	100201378-1	5788
22879 7590 01/15/2008 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER DUNN, MISHAWN N	
			ART UNIT 2621	PAPER NUMBER
			NOTIFICATION DATE 01/15/2008	DELIVERY MODE ELECTRONIC

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

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**Office Action Summary**

Application No.

10/649,509

Applicant(s)

HANES ET AL.

Examiner

Mishawn N. Dunn

Art Unit

2621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 August 2003.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-33 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 25 August 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date: _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date <u>8/03</u> | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### ***Claim Rejections - 35 USC § 102***

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1, 5-10, 13, 15-17, 20-22, 24, 26-29, and 31 rejected under 35 U.S.C. 102(b) as being anticipate by Yoshio et al. (US Pat. No. 6,310,625).
3. Consider claim 1. Yoshio et al. teaches an index validation system, comprising: a processor; and a validator accessible by the processor, the validator adapted to access index data corresponding to video data and validate the index data after editing of the video data (col. 7, lines 34-44).
4. Consider claim 5. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to obtain image data for a frame of the video data identified by the index data before editing of the video data (col. 7, lines 34-44).
5. Consider claim 6. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to obtain image data for a frame of the video data identified by the index data after editing of the video data (col. 7, lines 34-44).
6. Consider claim 7. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to compare image data for a frame of the video data identified by index data before editing with a corresponding frame of the video data after editing of the video data (col. 7, lines 34-44).

7. Consider claim 8. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to determine a frame frequency for the video data corresponding to the index data before editing of the video data (col. 7, lines 34-44).
8. Consider claim 9. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to determine a frame frequency for the video data corresponding to the index data after editing of the video data (col. 7, lines 34-44).
9. Consider claim 10. Yoshio et al. teaches the system of claim 1, wherein the validator is adapted to compare a frame frequency for the video data before editing with a frame frequency for the video data after editing, the frame frequencies corresponding to the index data (col. 7, lines 34-44).
10. Claims 13, 15-17, 20-22, 24, 26-29, and 31 are rejected using similar reasoning as the corresponding claims above.

***Claim Rejections - 35 USC § 103***

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-4, 14, 18, 19, 25, 30, and 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshio et al. (US Pat. No. 6,310,625) in view of Liou et al. (US Pat. No. 6,278,446).

13. Consider claim 2. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine an indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine an indexing scheme for the video data (col. 4, lines 55-65).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine an indexing scheme for the video data, in order to facilitate browsing.

14. Consider claim 3. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine whether the index data defines a time-based indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine whether the index data defines a time-based indexing scheme for the video data (col. 7, lines 41-51).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine whether the index data defines a time-based indexing scheme for the video data, in order to facilitate browsing.

15. Consider claim 4. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to determine whether the index data defines a scene-based indexing scheme for the video data.

However, Liou et al. teaches wherein the validator is adapted to determine whether the index data defines a scene-based indexing scheme for the video data (col. 7, lines 41-51).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to determine whether the index data defines a scene-based indexing scheme for the video data, in order to facilitate browsing.

16. Claims 14, 18, 19, 25, 30, and 32 are rejected using similar reasoning as the corresponding claims above.

17. Claims 11, 12, 23, and 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Yoshio et al. (US Pat. No. 6,310,625) in view of Hinson et al. (US Pat. No. 6,144,391).

18. Consider claim 11. Yoshio et al. teaches all claimed limitations as stated above, except wherein the validator is adapted to initiate re-indexing of at least a portion of the video data in response to determining that at least a portion of the index data is invalid for the video data after editing.

However, Hinson et al. teaches wherein the validator is adapted to initiate re-indexing of at least a portion of the video data in response to determining that at least a portion of the index data is invalid for the video data after editing (col. 15, lines 5-8).

Therefore, it would have been obvious to one with ordinary skill in the art, at the time the invention was made to use, to re-index the video data in response to determining an invalid portion, in order to efficiently combine the clips.

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19. Claims 12, 23 and 33 are rejected using similar reasoning as the corresponding claim above.


### **Conclusion**

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mishawn N. Dunn whose telephone number is 571-272-7635. The examiner can normally be reached on Monday - Friday 7:30 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thai Tran can be reached on 571-272-7382. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Mishawn Dunn  
January 7, 2008

  
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